

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

REGIONS ASSET COMPANY, et al.,)	
)	
Plaintiffs,)	
)	
)	Civil Action No. 2:06-cv-882-MHT
)	
REGIONS UNIVERSITY, INC.)	
)	
Defendant.)	

NOTICE OF FILING

COMES NOW the defendant Regions University, Inc. and gives notice of the filing of the following:

1. Excerpt from the telephonic deposition of Patsy Fulghum at p. 19.
2. Excerpt from the telephonic deposition of Carolyn Hughes at p. 21.
3. Excerpts from the deposition of Sam Upchurch at pp. 14, 15, and 26.

Respectfully submitted,

/s/ VICTOR T. HUDSON
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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/s/ VICTOR T. HUDSON

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

REGIONS ASSET COMPANY,

Plaintiff,

Vs.

CIVIL ACTION NO.
2:06CV882-MHT

REGIONS UNIVERSITY, INC.,

Defendant.

* * * * *

TELEPHONIC DEPOSITION OF PATSY FULGHUM,
taken pursuant to stipulation and agreement before
Lisa J. Green, Registered Professional Reporter and
Commissioner for the State of Alabama at Large, in
the Law Offices of Balch & Bingham, Suite 200, 105
Tallapoosa Street, Montgomery, Alabama on
Wednesday, August 15, 2007, commencing at
approximately 3:00 p.m.

* * * * *

1 bank at Regions Bank?

2 A. No.

3 Q. And is it fair to say you were aware that
4 Regions Bank was a major bank in Alabama?

5 A. I'm familiar with Regions Bank, yes.

6 Q. When was that call when somebody called in
7 and asked that question of you?

8 A. I can't recall. It's been so long ago that
9 I just -- I can't recall exactly when it
10 was.

11 Q. Do you think it was this calendar year in
12 '07?

13 A. I'm just not sure.

14 Q. So you don't know whether it was '06 or
15 '07?

16 A. I don't.

17 Q. Is that the only call you've ever gotten
18 with an inquiry of that nature?

19 A. Yes.

20 Q. Are you aware of any of your colleagues
21 that work for the school that have received
22 questions of that nature over the
23 telephone?

COPY

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION
4

5 REGIONS ASSET COMPANY,

6 Plaintiff,

7 Vs.

CIVIL ACTION NO.
2:06CV882-MHT

8 REGIONS UNIVERSITY, INC.,

9 Defendant.
10

11 * * * * *

12
13 TELEPHONIC DEPOSITION OF CAROLYN HUGHES,
14 taken pursuant to stipulation and agreement before
15 Lisa J. Green, Registered Professional Reporter and
16 Commissioner for the State of Alabama at Large, in
17 the Law Offices of Balch & Bingham, Suite 200, 105
18 Tallapoosa Street, Montgomery, Alabama on
19 Wednesday, August 15, 2007, commencing at
20 approximately 3:42 p.m.
21

22 * * * * *
23

1 A. It was after the name changed, but it could
2 have been, you know, before the beginning
3 of this year or it could have been after.
4 It's been so long ago, I really don't
5 remember.

6 Q. That's fine. So sometime after the name
7 changed, you got a call from a prospective
8 student; is that correct?

9 A. Yes. I will say that it was maybe two or
10 three months after the name change.

11 Q. And, what? Did that prospective student
12 just call in on your number, correct?

13 A. He called in on the queue which came to my
14 extension.

15 Q. Okay. And do you remember about what time
16 of day that was?

17 A. It would have been, I'm sure, after five
18 o'clock.

19 Q. And what did the person ask you?

20 A. Well, they were asking questions about --
21 it was a typical prospective student
22 calling in, asking questions about degree
23 programs. And we had probably talked about

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REGIONS ASSET COMPANY,

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*
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CIVIL ACTION NUMBER

2:06cv882-MHT

* * * * *

**Deposition of SAMUEL E. UPCHURCH, JR., taken
before David Michael Camp, CSR, in the law offices
of Balch & Bingham, LLP, 1901 6th Avenue North,
Birmingham, Alabama, on August 14, 2007,
commencing at approximately 10:19 o'clock a.m.**

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1 particular is the name Region 2020?

2 A I have a recollection of it being
3 discussed. I would say several. More than one.
4 I can't tell you how many because I don't have
5 specific recollections of any besides Regions
6 2020.

7 Q Okay. And the best you can do is that
8 it was more than once?

9 A Yes.

10 Q Okay. Was this something that came up
11 frequently, this sort of topic, or it came up
12 infrequently?

13 A Oh, it would only came up when somebody
14 identified something they thought was an
15 infringement.

16 Q Okay. During that period of time, was
17 there any outreach that was being done by your
18 department to determine whether or not third
19 parties were using the name "Regions"?

20 A We were more reactive. When we would
21 see it or when someone would -- would send
22 something to the legal department that showed a
23 usage, that would be how we would get involved.

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1 Q Reactive as opposed to proactive?

2 A That's correct.

3 Q So you were not proactive?

4 A We were not proactive to my knowledge.

5 Q Okay. You spoke of Region 2020. Let me
6 show you what was previously marked as Exhibit
7 One-ten and Exhibit One Thirty-seven that's in
8 front of you there, and ask you if you recall
9 seeing those before today.

10 A Yes, I do.

11 Q When did you see them last?

12 A Oh, probably -- I can't recall when I
13 saw them last. Years ago.

14 Q Do you want to take a moment and read
15 both of them, please?

16 A Okay.

17 Q All right, sir. If we can look first at
18 Exhibit One-ten --

19 A All right.

20 Q -- the cover letter purports to have
21 been drafted by Stephen Leara, addressed to Ann
22 Florie and copied to you, together with an
23 enclosure which is a draft of the Non-exclusive

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1 something we had to worry about.

2 BY MR. HUDSON:

3 Q Did you ever get any suggestion or
4 advice that you should be concerned with companies
5 who used the name "Regions" but were not involved
6 in banking or financial services?

7 A Yes, I did.

8 Q Okay. I think you said during the time
9 you were General Counsel, the bank was not
10 proactive in seeking out the names of others who
11 used the name "Regions" as third party names for
12 third party companies.

13 A We did not proactively search for people
14 using the names.

15 Q Okay. And that would mean that you
16 wouldn't have searched the records of the
17 Secretary of State of Alabama --

18 A That's correct.

19 Q Nor for domain names on the web.

20 A I don't recall any search for domain
21 names.

22 Q Or for the U.S. Trademark Office.

23 A Right. Typically, as I said earlier, we

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